

# Notice of Allowability

Application No.

10/607,860

Examiner

Kevin M. Burd

Applicant(s)

JIA ET AL.

Art Unit

2611

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview conducted 12/17/2007.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Response to Arguments***

1. The previous rejection of the claims under 35 USC 101 is withdrawn. The specification discloses a tangible result of the claimed method and system.
2. The previous objection to the drawings is withdrawn. Applicant does not disclose the figures are prior art.
3. Applicant's arguments, with respect to claims 1-15 and 31-36 have been fully considered and are persuasive. The rejections of these claims have been withdrawn.
4. Applicant's arguments, with respect to claims 16-30 have been fully considered and are not persuasive. The claims recite a system with no structural components. The claims also disclose decoder circuitry adapted to carry out certain functions. MPEP 2111.04 discloses claim scope is not limited by claim language that does not limit a claim to a particular structure. This section also discloses an "adapted to" clause is an example of claim language that may raise a question as to the limiting effect of the language in a claim. MPEP 2114 discloses while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In addition, the system of claims 16-30 recites software modules rather than specific circuitry or components. The system will only function in software. Therefore, the system is non-statutory since it would not fall under one of the four statutory classes. An examiner's amendment to claim 16 is stated below and overcomes these issues.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony Josephson on 12/17/2007.

The application has been amended as follows:

In claim 16, line 1, the phrase "A system for receiving signals comprising decoder circuitry adapted to:" is replaced with the phrase:

"A system for receiving signals comprising:

A) an antenna;

B) RF circuitry for demodulating and amplifying the received signal;

C) analog-to-digital converter for receiving the output of the RF circuitry; and

D) decoder circuitry for receiving the output of the analog-to-digital converter, the decoder circuitry for:"

In claim 16, line 2, the term "provide" is replaced by the term "providing".

In claim 16, line 4, the term "determine" is replaced by the term "determining".

In claim 16, line 6, the term "select" is replaced by the term "selecting".

In claim 16, line 8, the term "determine" is replaced by the term "determining".

In claim 16, line 10, the term "select" is replaced by the term "selecting".

In claim 16, line 12, the term "select" is replaced by the term "selecting".

In claim 17, lines 1-2, the phrase "is further adapted to determine" is replaced with the phrase "further determines".

In claim 19, line 1, the phrase "is further adapted to decode" is replaced with the phrase "further decodes".

In claim 22, lines 1-2, the phrase "is further adapted to identify" is replaced with the phrase "further identifies".

In claim 22, line 3, the term "select" is replaced with the term "selects".

In claim 23, line 1, the phrase "is further adapted to create" is replaced with the phrase "further creates".

In claim 23, line 2, the term "create" is replaced with the term "creates".

In claim 24, line 1, the terms "is", "adapted" and "to" are deleted.

In claim 24, line 2, the term "decode" is replaced with the term "decodes".

In claim 24, line 4, the term "identify" is replaced with the term "identifies".

In claim 24, line 5, the term "create" is replaced with the term "creates".

### ***Allowable Subject Matter***

Claims 1-36 are allowed.

### ***Conclusion***

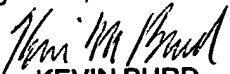
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Payne can be reached on (571) 272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**KEVIN BURD**  
**PRIMARY EXAMINER**

Kevin M. Burd  
12/18/2007